GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Social Welfare Department – Appeal petition filed by Sri G.Jayaraj, Head Constable, CISF, APSU against the Proceedings of the District Collector, Chittoor – under section 7(2) of The Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (AP Act No. 16/1993) – **Appeal Allowed** – Orders Issued.

SOCIAL WELFARE (CV.1) DEPARTMENT

G.O.MS.No. 82 **Dated: 20.11.2015**

Read the following:

1. Proceedings of the District Collector, Chittoor, Roc.C3/5447/2004, Dated: 09-7-2010.
2. Appeal Petition of Sri G.Jayaray, Chittoor District, Dt:23-02-2010.
3. Government Memo.No.2290/CV.1/2010-1, Dt: 08-04-2010.
4. Deputy Inspector General, Lr.No.V-1014/59/2010/L&R(SZ)/ 1209, Dt:03-09-2011.
5. From the District Collector, Chittoor Roc.No.C3/ 10061/2011, Dt:13.02.2013.
6. Government Memo. No. 2290/CV.1/2010, Dt:3.04.2013 & 11.03.2015.

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ORDER:

1. Vide reference 1st read above, the District Collector, Chittoor has cancelled the Scheduled Caste (Adi Dravida) Caste Certificate of Sri G.Jayaraj, Chittoor district.

2. In the reference 2nd read above, Sri G.Jayaraj has filed an appeal petition before the Government u/s 7 (2) of Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 16/1993, against the cancellation of his Scheduled Caste Certificate by the District Collector, Chittoor and prayed for staying the operation of the said suspension.

3. The Government in the reference 3rd read above, have admitted the said appeal petition & stayed the operation of the said proceedings of the District Collector, Chittoor and requested the District Collector to furnish the parawise remarks and connected records on the appeal petition.

4. In the reference 5th read above, the District Collector, Chittoor has furnished parawise remarks along with the connected records.

5. The said Appeal Petition has been posted for hearing on 27.04.2013, 04.04.2015 & 18.04.2015 and the same has been informed to the appellant and requested to attend the hearings with all documentary evidence/certificates in favour of his community claim. The appellant attended for the hearing held on 18.04.2015 and explained the grounds of his SC 'Adi-Dravida' community claim before the appellate authority.

6. The Government have examined the grounds filed by the appellant in his appeal petition/ parawise remarks submitted by the District Collector, Chittoor / documentary evidence available with the Government, arguments submitted by the appellant at the time of hearing. As verified from the appeal petition it is observed that the appellant has stated that he was appointed in Central Industries Security Force, APSU in the year 1975 when he was 20 years old and was retired from the service after superannuation , as Head Constable, in the year 2013 after serving 33 years in the CISF, APSI.

[P.T.O]

7. Further, the appellant in his grounds has stated that the then MRO, Chittoor Mandal has given a report that the appellant belongs to SC Community at the time of enquiry which was confirmed by the RDO, Chittoor as per the report of the then MRO. But, the lower court failed to observe the findings of the then MRO and RDO, Chittoor. Further, he has stated that he has joined in the service in the year 1975 and the enquiry for caste verification began in the year 2004 and order has been passed by the Lower Court in the year 2009. Therefore, there is a delay of 32 years after his appointment. Further, he has stated that he is paralyzed and bedridden and requested the Government to consider his case and allow the appeal petition on humanitarian grounds. Further, it is observed that there is no recorded evidence or any proof available with the Government that the appellant belong to Christian. The DLSC failed to prove that the appellant is following customs & traditions of Christianity. Further, the appellant joined in the service in the year 1975 and after 33 years into the service, he was retired from the service in 2013. There is abnormal delay of 29 years, after the appointment of the appellant, in passing the orders by the lower court.

8. The Government, after careful examination of the appeal petition & the circumstances stated supra and in exercise of the powers conferred u/s 7 (2) of Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No. 1993), hereby allow the appeal petition filed by Sri G. Jaya Raju, Rtd. Head Constable, CISF on humanitarian grounds by upholding his Scheduled Caste (Adi-Dravida) claim and the Proceedings of the District Collector, Chittoor issued in the reference 1st read above are set- aside.

9. The District Collector, Chittoor shall take necessary action in the matter accordingly.

10. The original record bearing No.D.Dis.C3/5447/2004, dt:01.12.2009 containing N.F 1 to 11 pages & C.F 1 to 150 pages received from the District Collector, Chittoor , through reference 5th read above, are returned herewith and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. VIJAY KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Collector & District Magistrate, Chittoor (with original records)

Sri G. Jayaraj, S/o. Late Gnana Prakasam,
R/o.Pachanapalli Village D/W, Chittoor Mandal & District,
&
Sri. G. Jayaraj, S/o. Late Gnana Prakasam,
Head Constable, Department of CISF., APSU, Chennai, Tamilnadu.

Copy to:

The Asstt. Commandant,
Central Industrial Security Force Unit BHEL(EDN)
Bangalore-26, Karnataka State

The Group Commandant, CISF Group Head Quarters, D-Block,
Rajaji Bhavan, Basanth Nagar, Chennai-90.

S.Ponnaiah, Advocate,
H.No.2-1050, Readspet, Chittoor, 517001.

The P.S. to Hon'ble Minster(SWE&TWE)
The P.S. to Principal Secretary (SW)
SF/SC.

// FORWARDED:: BY ORDER //

SECTION OFFICER